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GOVERNMENT RELATIONS

November 11, 2005

Ms. Rini Ghosh
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: SANTA CLARA VALLEY TRANSPORTATION AUTHORITY --
ABANDONMENT EXEMPTION -- IN SANTA CLARA COUNTY AND
ALAMEDA COUNTY, CALIFORNIA (SAN JOSE INDUSTRIAL LEAD) (WP
MILPITAS LINE); DOCKET NO. AB-980

Dear Ms. Gosh:

I am writing concerning a letter I received from the Office of Historic Preservation for the State of California ("OHP") dated August 10, 2005 ("August 10th Correspondence"). I am enclosing a copy for your convenient reference. Recently I received a call from the OHP concerning the information requested in the August 10th Correspondence. Specifically the August 10th Correspondence requests: 1) the establishment of an Area of Potential Effects ("APE") pursuant to 36 C.F.R. 800.16(d) to determine the scope of the above-referenced abandonment exemption and its effects on historic properties; 2) that all historic properties are identified; and 3) that Native Americans and other potentially interested parties are consulted regarding the above-referenced abandonment exemption and its effects on historic properties.

During the conversation I had with Amanda Blosser from the OHP I explained, as Santa Clara Valley Transportation Authority ("VTA") indicated in the Petition for Exemption and its September 15, 2005 letter, that:

1) VTA is simply extinguishing its residual common carrier obligation *vis a vis* the San Jose Industrial Lead from milepost 16.3 to milepost 17.49 (the "VTA Industrial Line") and the Milpitas Line from mile post 2.61 near Paseo Padre Drive to milepost 5.38 (the "VTA Milpitas Line");

2) VTA will not be involved in any salvaging operations on the VTA Industrial Line and the VTA Milpitas Line;

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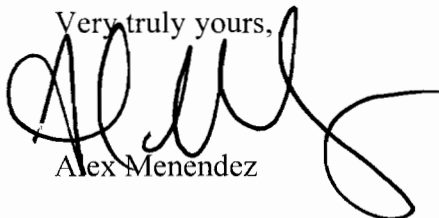
Ms. Rini Ghosh
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- 3) VTA will make the VTA Industrial Line and the VTA Milpitas Line available to Bay Area Rapid Transit ("BART") for the operation of a light rail system; and
- 4) there are no historic properties that will be affected by the abandonment.

Furthermore, I explained while there is a railroad bridge structure located at milepost 16.32 ("Rail Bridge") which is located within the mileposts of the San Jose Industrial Lead. The abandonment will not affect the integrity of the Rail Bridge. As a result, VTA believes no consultation with Native American tribes is required since no historic structures will be affected.

The OHP's position remains, as indicated in the letter, that it should be provided with the information requested in the August 10th Correspondence. VTA believes that it has provided the necessary information relating to the abandonment. As a result, while VTA is willing to provide all the information the Surface Transportation Board ("Board") requires to complete the abandonment, VTA submits that the information requested by OHP is not necessary to comply with the pertinent regulations and would not serve in advancing any issues relating to the abandonment. Thus, by this letter, VTA is seeking confirmation that the information requested by the OHP is not required for the Board to assess the environmental and historic impact of the proposed abandonment.

Thank you for your assistance and please contact me with any questions, comments or concerns.

Very truly yours,

Alex Menendez

Enclosure

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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August 10, 2005

REPLY TO: STB050725A

Charles A. Spitulnik
McLeod, Watkinson, & Miller
One Massachusetts Ave. N.W., Suite 800
Washington, D.C. 20001

RE: Abandonment of Milpitas Line and Industrial Lines, Santa Clara Valley Transportation
Authority, STB Finance Docket No. 34292

Dear Mr. Spitulnik,

Thank you for your July 19, 2005 letter and supporting documentation regarding the above-referenced undertaking. On behalf of the Surface Transportation Board (STB), you are seeking my assistance in identifying any potential effects of this abandonment action in accordance with 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act.

Our review of the submitted documentation leads us to recommend that the STB do the following to fulfill its responsibilities for the identification and evaluation of historic resources for this project as set forth in 36 CFR 800:

- Establish an Area of Potential Effects (APE), defined at 36 CFR 800.16(d), for the project that will determine the scope of the undertaking and its potential to effect historic properties.
- Identify and provide information on any historic properties that may be affected by the project and gather sufficient information to evaluate the eligibility of these properties for the National Register of Historic Places (NRHP). This information should include information on the age of the property, its historical significance, if any, as well as historical and/or current photographs of the property. A first step in this process would be to contact the regional Information Center of the California Historical Resources Inventory System (<http://ohp.parks.ca.gov>).
- Consult with Native Americans and other potentially interested parties regarding the undertaking and its potential to effect historic properties. You may accomplish part of this by contacting the Native American Heritage Commission and asking their direction (<http://ceres.ca.gov/nahe>).

Thank you again for seeking our comments on your project. If you have any questions, please contact staff historical archaeologist Anmarie Medin at (916) 651-0304.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Milford Wayne Donaldson'.

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer